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Counsel for the United States of America

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

TYLER CARR, an individual,

Plaintiff,

v.

TAYLOR NOREN, an individual, WELLS
FARGO BANK, N.A. AS TRUSTEE FOR
HARBORVIEW MORTGAGE LOAN
TRUST 2006-10, a Delaware corporation,
GREENPOINT MORTGAGE FUNDING,
INC., a New York corporation, and the
INTERNAL REVENUE SERVICE, a federal
agency,

Defendants.

NO. 2:22-CV-115

STIPULATION FOR EXTENSION OF TIME
TO ANSWER OR OTHERWISE RESPOND
TO COMPLAINT AND ORDER

The parties¹ hereby stipulate as follows:

1. Plaintiff initiated this action by filing the Complaint on December 23, 2021. Dkt. # 1-1.

2. The Complaint and Summons was served on the Office of the United States' Attorney for the Western District of Washington on January 3, 2022. Dkt. # 1-2 at 18.

3. On February 2, 2022, the federal defendant removed this action to this Court. Dkt. # 1.

4. On February 2, 2022, Plaintiff sent the undersigned counsel for the United States an Amended Complaint and additional filings from the state court proceeding.²

5. The federal defendant is required to answer or otherwise respond to Plaintiff's Complaint within seven days of filing the Notice of Removal. Fed. R. Civ. P. 81(c). Based on the date of removal, the deadline for the United States to respond to the Complaint is February 9, 2022.

6. The federal defendant requires additional time in which to prepare a proper response to Plaintiff's Amended Complaint. Specifically, counsel for the United States requires additional time to obtain and review additional information from the IRS to properly defend the United States' interest in this matter.

7. Rule 6(b)(1) of the Federal Rules of Civil Procedure authorizes this Court to grant an extension of time to respond to a complaint for good cause shown. As the Ninth Circuit has recognized, Rule 6(b)(1) "is to be liberally construed to effectuate the general purpose of seeing that cases are tried on the merits." *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258-1259 (9th Cir. 2010). In the absence of bad faith, requests for an extension before the applicable deadline has passed should normally be granted. *Id.*

¹ The United States has reached out to Defendant Taylor Noren, but has not yet received a response from him. All of the remaining parties to the case have consented.

² The United States will file concurrently with this stipulation the verification of state court documents, including the additional state court filings provided to it by plaintiff.

1 8. Allowing the federal defendant until March 4, 2022, to respond to Plaintiff Carr's
2 Amended Complaint will allow the federal defendant the full 60 days it would ordinarily have to
3 respond from the date it received the initial Complaint. *See* Fed. R. Civ. P. 12(a)(2) and 12(a)(3).

4 9. The extension requested in this stipulation is necessary because the United States
5 received the Amended Complaint on February 2, 2022, and it requires additional time to provide
6 a more complete response to the Amended Complaint and to proceed with its defense of the
7 claims in this case in an orderly manner. The request is not made because of any dilatory action
8 or unnecessary delay.

9 10. By filing this motion, the federal defendant does not waive any defenses listed in
10 Rule 12 of the Federal Rules of Civil Procedure.

11 WHEREFORE, for good cause shown, the parties respectfully request that the Court
12 approve this stipulation and allow the United States an extension of time until March 4, 2022 to
13 answer or otherwise response to Plaintiff's Amended Complaint.

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24 [signature page to follow]
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1 SIGNED this 9th day of February, 2022.

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3 Deputy Assistant Attorney General

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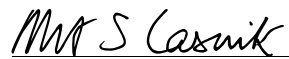
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ORDER

The foregoing Stipulation for Extension of Time to Answer or Otherwise Respond to Plaintiff's Amended Complaint is APPROVED. IT IS SO ORDERED.

Dated this 10th day of February, 2022.



Robert S. Lasnik
United States District Judge